



MEMORANDUM

DATE: August 31, 2007

TO: The Honorable Mayor
and Council Members

FROM: Liana Perez, Director
Equal Opportunity Programs

SUBJECT: Department of Justice Second Year Compliance Report

The Americans with Disabilities Act of 1990 (ADA) mandates that persons with disabilities be afforded equal access to and full participation in programs/activities and/or services pursuant to Title II. As a governmental entity, the City of Tucson is mandated under Title II to ensure that its facilities are in compliance with the ADA Standards for Accessible Design (ADAAG) guidelines, 28 CFR Part 36, Revised as of July 1, 1994.

As you are aware, in January 2005 the City of Tucson underwent an audit by the United States Department of Justice under its program "Project Civic Access" to determine if City of Tucson facilities were in compliance with the ADAAG guidelines. Forty-eight (48) of the City's identified facilities were audited between January 2005 and March 2005. As a result of the audit findings in which over 1,290 deficiencies were found, the City entered into a 4 year Settlement Agreement with the Department of Justice. Pursuant to the Agreement, the City is required to correct the identified deficiencies in each of the 48 facilities identified by the Department of Justice within a 3 year period. The 4th year, according to the Settlement Agreement, is dedicated to monitoring by the Department of Justice and the City.

Corrections to Facilities

The Department of Justice imposed timelines to achieve compliance for each facility identified under the scope of the audit. The imposed timelines varied based on the Department of Justice's interpretation of the magnitude of the corrections at each facility. The second year timeline ended July 26, 2007, and required that we submit our report to the Department of Justice by August 26, 2007. A total of thirteen facilities fell within the second year timeline: Police Headquarters, Reid Park Zoo, Santa Cruz Police Substation, Temple of Music & Art, Tucson Children's Museum, Udall Regional Park and Senior Center, Community Resources – Santa Rita Building, and Community Resources – Sentinel Building, Randolph Community Center, Randolph Golf Course/Complex, William Clements Center, Hardesty Police Substation, and Public Safety Training Academy (PSTA).

As you will note from the attached spreadsheet, there were 529 identified deficiencies to be corrected during the second year timeline. Out of the 529 identified deficiencies, 397 corrections have been completed to date. One hundred and fourteen (114) deficiencies are still under construction and/or are in the process of being corrected. The facilities that have elements still under construction and/or are in the process of being corrected are: Hardesty Police Substation, Public Safety Training Academy, Santa Cruz Police Substation, Temple of Music & Art, Randolph Golf and William Clements Center. Santa Cruz has 1 deficiency remaining, the Temple has 2, and Randolph Golf has 1. Hardesty Police Substation has 21

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deficiencies remaining; Public Safety Training Academy has 63, and William Clements Center has 26. Hardesty Police Substation, Public Safety Training Academy and William Clements Center have the majority of deficiencies not completed primarily due to scheduling conflicts with the facility and the programs/activities and/or services it provides and/or the inability for contractors to perform work in the facility at given times. Due to the nature of the work required to be completed and the rotating schedule at the Public Safety Training Academy, the City has requested an extension from the Department of Justice for the remaining corrections. Additionally, the City had previously requested an extension for the Temple of Music & Art due to the requirement that we receive approval from the Historical Society prior to any modifications to the facility. It is anticipated that corrections to William Clements Center will be completed by mid-September 2007. Corrections to outstanding deficiencies at Hardesty Police Substation will occur November/December 2007, and Public Safety Training Academy should be completed by December 2007. This is barring that no additional field conditions arise during construction. We will provide the Department of Justice and you with an addendum to this report in January 2008 once the remaining deficiencies have been completed.

Additionally, the City is disputing 18 findings by the Department of Justice, most of which involve central fire alarms. The facilities in which there are disputes include: Reid Park Zoo, Temple of Music & Art, Randolph Community Center, Randolph Golf and William Clements Center. During this reporting period, there were no technical infeasibility claims made to the Department of Justice.

Attached you will find 3 charts indicating the percentage of corrections to facilities that have been made as well as percentages for deficiencies not completed and those in which the City is disputing the Department of Justice's findings. The charts, as presented, depict the actions taken by the City during this second reporting cycle.

ADA Training

Pursuant to the Settlement Agreement between the City of Tucson and the Department of Justice, all City employees who have direct public contact were required to participate in a 2 hour training program on ADA guidelines and appropriate methods to be used when providing services to persons with disabilities. Training of City employees began in February 2006 and concluded in December 2006. There were a total of 3,851 employees trained during this period. Additionally, the Office of Equal Opportunity Programs continues to offer ADA training for City employees through the City's COTEU.

Assistive Listening Systems (ALS)

Several of the City's facilities identified under the scope of the audit required that an Assistive Listening System (ALS) be installed. In July 2006, a Notice of Request for Proposal (RFP) was issued. Submittals were evaluated by a committee of 3 individuals. Roh's Inc. was awarded the bid for installation of the ALS system. Installation of the system began in April 2007 and concluded in August 2007. The following facilities, resulting from the audit, are now equipped with an active ALS system: Hardesty Police Substation, Randolph Community Center, Udall Regional Park and Senior Center, Quincie Douglas Recreation Center, Quincie Douglas Library, Ward 5 Council Office, Fire Department Headquarters, Police Department

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Headquarters, Joel Valdez Main Library, City Court, Public Safety Training Academy and the Tucson Convention Center. A training component was requested as part of the RFP. Scheduling for training of City staff for use of the ALS system will occur within the next several months. Additionally, a sign package will be procured to indicate the availability of an ALS and will be displayed with the International Symbol of Access for Hearing Loss.

Voting (Polling Sites)

OEOP and the ADA Team consulted with the City Attorney and the City Clerk's Office regarding ADA modifications to polling sites. The City Clerk's office assumed responsibility for ensuring that polling sites are in compliance with the ADAAG guidelines.

Outreach

The ADA Informational Guide on accessibility to City programs, services and activities has been distributed to Council Offices, City departments and outside agencies. Additionally, the ADA website is regularly updated with information pertaining to compliance issues. It can be accessed by going to <http://www.tucsonaz.gov/eoo/ADA/ada.html>.

Budget

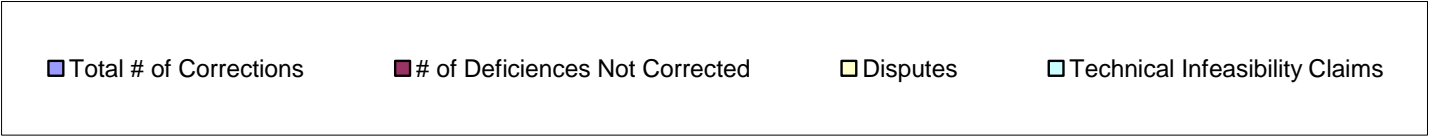
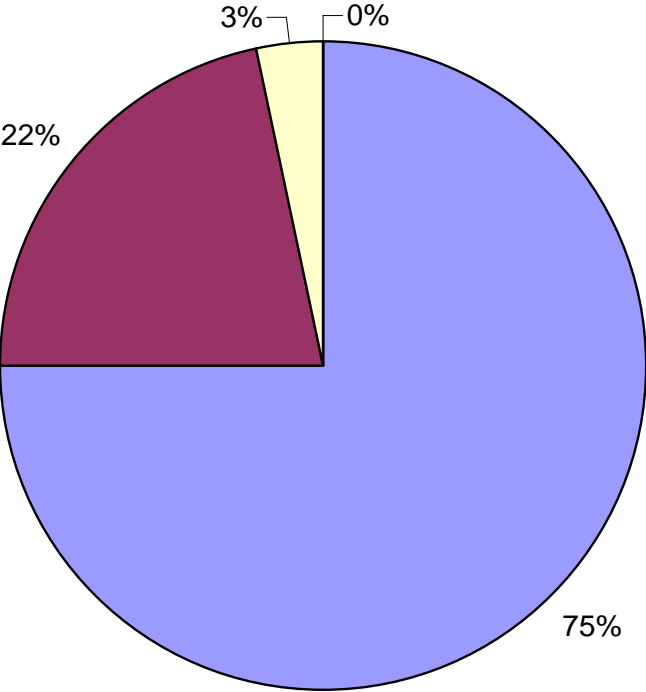
During this reporting period, the cost for making corrections to facilities identified under the scope of the audit total \$1,669,108.98.

Should you have any questions regarding this memorandum, or would like to review the report submitted to the Department of Justice in its entirety, please contact me at 837-4003 or ADA Project Coordinator, Alison Colter-Mack at 837-4001.

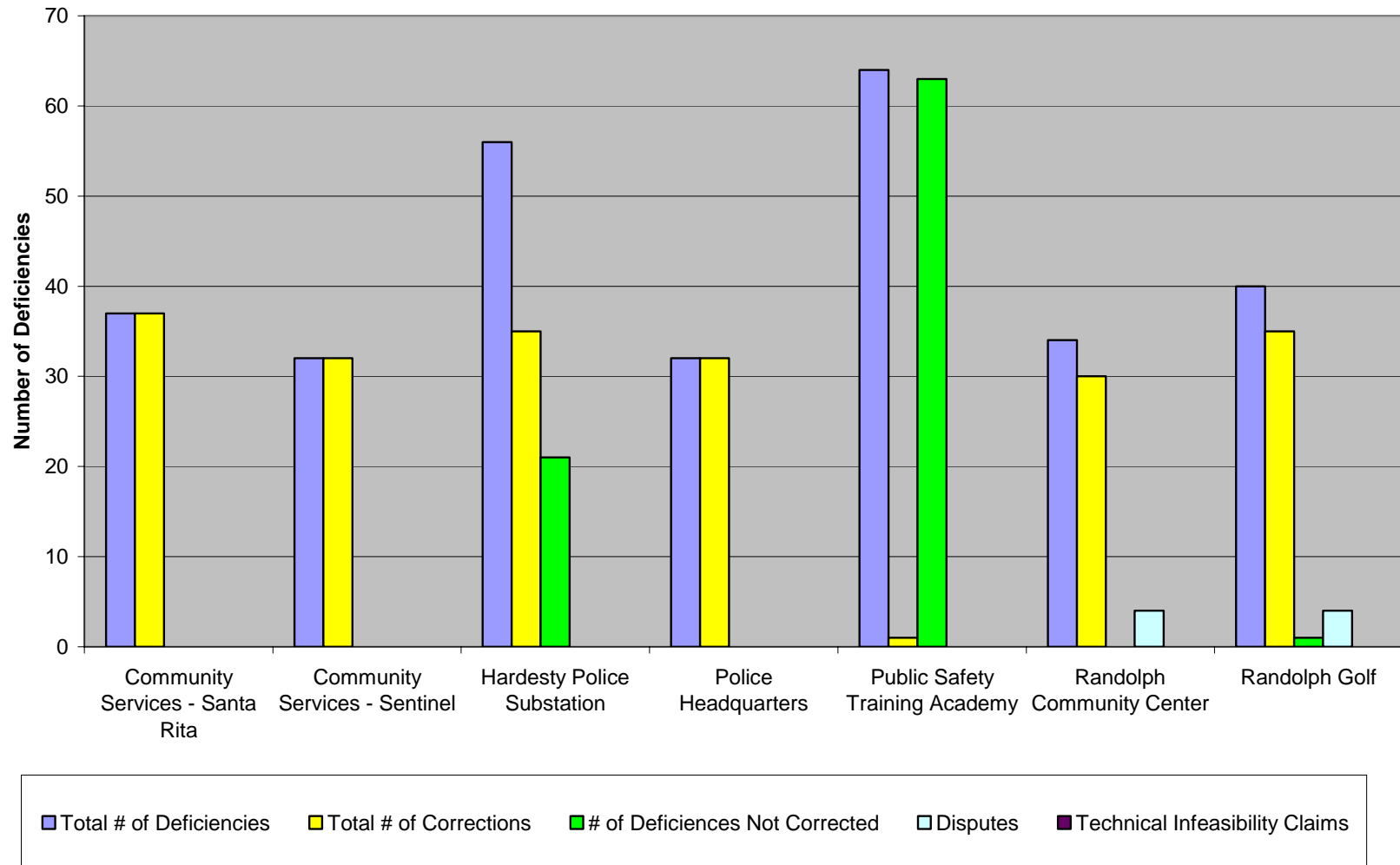
Attachments (4)

c: Mike Hein, City Manager
Mike Letcher, Deputy City Manager
Mike Rankin, City Attorney
Jim Cameron, Budget Director
Ron Lewis, General Services Director

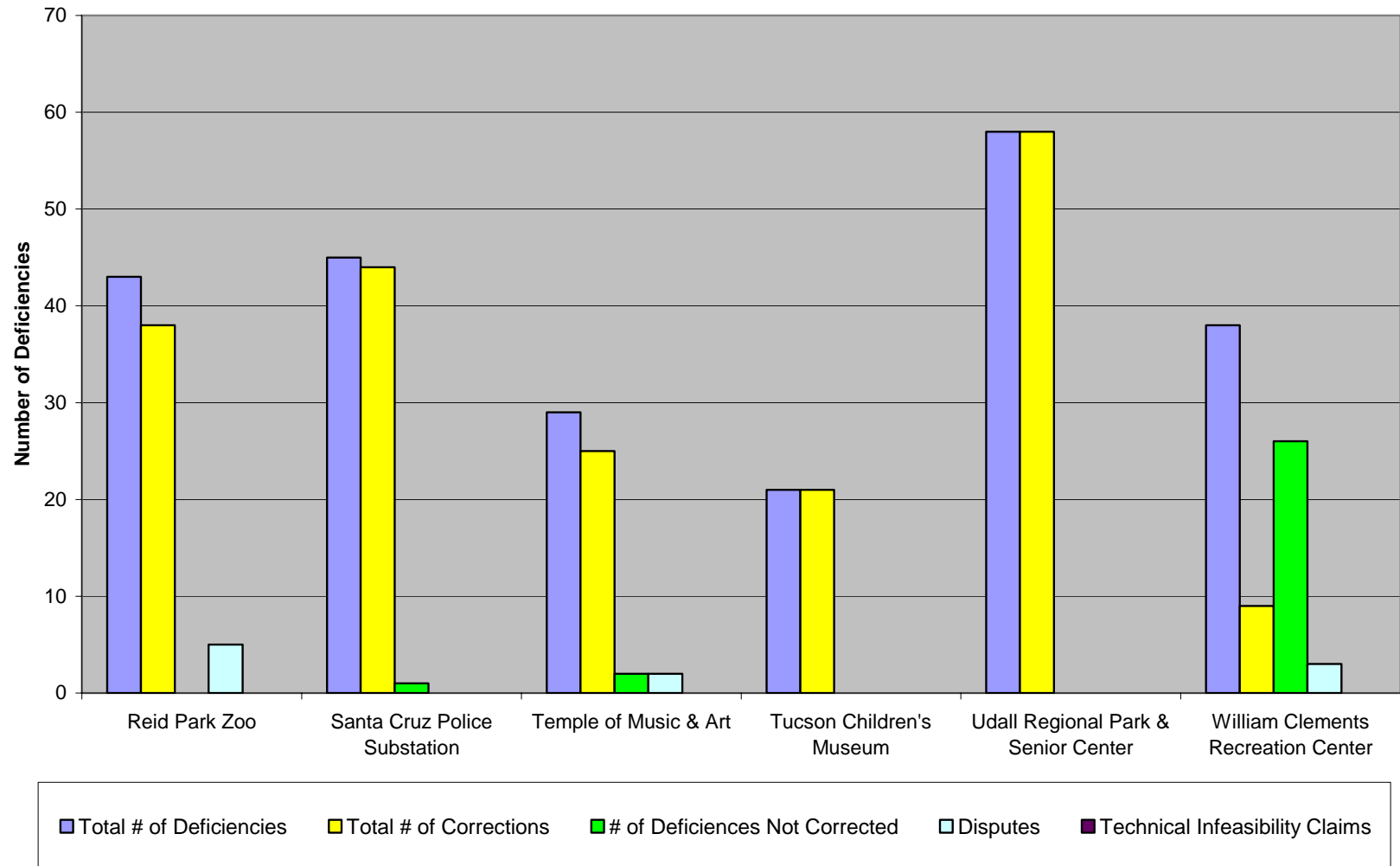
DOJ Second Year ADA Compliance Status



DOJ Second Year ADA Compliance by Facility



DOJ Second Year ADA Compliance by Facility



Facility	Total # of Deficiencies	Total # of Corrections	# of Deficiencies Not Corrected	Disputes	Technical Infeasibility Claims	Extension Requested
Community Services - Santa Rita	37	37	0	0	0	No
Community Services - Sentinel	32	32	0	0	0	No
Hardesty Police Substation	56	35	21	0	0	Yes
Police Headquarters	32	32	0	0	0	No
Public Safety Training Academy	64	1	63	0	0	Yes
Randolph Community Center	34	30	0	4	0	No
Randolph Golf	40	35	1	4	0	No
Reid Park Zoo	43	38	0	5	0	No
Santa Cruz Police Substation	45	44	1	0	0	No
Temple of Music & Art	29	25	2	2	0	Yes
Tucson Children's Museum	21	21	0	0	0	No
Udall Regional Park & Senior Center	58	58	0	0	0	No
William Clements Recreation Center	38	9	26	3	0	Yes
Totals	529	397	114	18	0	

DOJ Second Year Data Distribution